

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

BARTOLO INFANTE §

VS. § CIVIL ACTION NO. 1:09cv13

DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION REGARDING VENUE

Bartolo Infante, an inmate confined in the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division,, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner states that in 2003, he was convicted of aggravated sexual assault and indecency with a child in the 218th District Court of Atascosa County, Texas. He was sentenced to a total of 80 years imprisonment.

Petitioner filed this petition for writ of habeas corpus in the district in which he is currently confined. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring a petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated. Section 2241(d) further provides that a district court in the exercise of its discretion

may transfer the action to the other district in the furtherance of justice.

Petitioner was convicted in Atascosa County, Texas. Pursuant to 28 U.S.C. § 124, Atascosa County is in the San Antonio Division of the United States District Court for the Western District of Texas. As all records and witnesses involving this action may be located in the Western District, the transfer of this action to such district would further justice.

Accordingly, this case will be transferred to the San Antonio Division of the United States District Court for the Western District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

**SIGNED** this 12 day of January, 2009.

  
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EARL S. HINES  
UNITED STATES MAGISTRATE JUDGE